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March 20, 2025

BY ECF

Hon. Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East, 1214 South
Brooklyn, NY 11201

Re: *SEC v. Xia, et al.*
21-cv-05350-PKC-JAM

Dear Judge Chen:

As the Court is aware, we previously served as counsel for Mr. Richard Xia and a number of his companies in various state court matters. I write in connection with some activity presently taking place in the above-referenced matter which references my firm. To avoid any misunderstanding, and to reiterate our position in regard to funds presently being held in escrow by my firm presently in the amount of \$701,053.10, these funds were originally intended to compensate my firm for services rendered to Mr. Xia and his companies. Based on the Court's Asset Freeze Order dated December 8, 2022, although Mr. Xia and his companies had an outstanding balance with my firm of \$220,054.51 as of December 1, 2022, we ceased to draw down on those sums in full compliance with the Court's Asset Freeze Order. As such, to the extent that a purported acquiror of Mr. Xia's interest in Fleet New York Metropolitan Regional Center ("Fleet"), a Mr. John Leo ("Leo"), has referenced the funds held by my firm, I reiterate that my firm retains a lien pursuant to Judiciary Law §475 on the funds presently held by my firm for sums due and owing to my firm.

As for the remainder of the escrow account not in dispute in the amount of \$480,998.59, insofar as my firm is concerned, I have no objection to releasing those funds, when, and if, the Asset Freeze Order is lifted. I wish to note, however, that I have received correspondence in the past from one of Mr. Xia's other attorneys, Bret L. McCabe, Esq., regarding claims he has against the escrowed funds in connection with funds due and owing to him from Mr. Xia and his companies in connection with his prior representation and, I am informed, has charging liens pertaining to those amounts. As I expect Mr. McCabe may wish to weigh in further in this regard, I am emailing him a copy of this correspondence.

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Finally, if the Court believes it would be helpful, I would be happy to participate in the conference Your Honor has scheduled on April 2, 2025 at 10:00 a.m., but I note that I expect to be actually engaged at trial in the matter of *Town of Islip v. Datre et al.*, 16-cv-02156 before District Court Judge Sanket J. Bulsara, which commences on March 31, 2025.

Thank you for your consideration in this matter

Respectfully submitted,

s/Paul F. Millus

Paul F. Millus

PFM:mr

All Counsel of Record—By ECF
Bret L. McCabe, Esq.—By Email